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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re M.S., a Person Coming Under  
the Juvenile Court Law.

B305437

(Los Angeles County  
Super. Ct. No.  
19CCJP06158)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

D.G.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County,  
Martha A. Matthews, Judge. Affirmed.

Linda J. Vogel, under appointment by the Court of Appeal, for  
Defendant and Appellant.

Mary C. Wickham, County Counsel, Kim Nemoy, Assistant County  
Counsel and Stephanie Jo Reagan, Principal Deputy County Counsel for  
Plaintiff and Respondent.

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In September 2019, respondent Los Angeles County Department of Children and Family Services (Department) detained four-year-old M.S. (minor) from the custody of E.M. (mother),<sup>1</sup> after mother was arrested in a drug raid. D.G. (father) is in federal prison with an anticipated release date in December 2025. After initially placing minor with a non-relative, the Department considered a number of relatives for possible placement, including minor's maternal grandparents, paternal grandparents, and a relative identified as maternal grandfather's first cousin (Victoria P.).<sup>2</sup> Mother and father both asked for minor to be placed with paternal grandmother, Virginia M. In different reports over the next few months, the Department explained why it recommended against placing minor with either maternal or paternal grandmother. The Department placed minor with Victoria on February 14, 2020. At a hearing on February 24, 2020, the juvenile court denied father's request to place minor with Virginia. Father appeals the court's placement decision, arguing the court's decision did not satisfy the requirements of Welfare and Institutions Code section 361.3, regarding placement of a minor child with a relative.<sup>3</sup> We affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

Minor first came to the Department's attention in December 2018, at age three, based on a referral of general neglect. According to the referral, mother was homeless and jittery, with "track marks" and scratches on her face as if she was picking "meth bugs." Mother was seen yelling and cursing at minor, spanking her on the butt and mouth when minor tried to speak. The referral was closed after the Department was "unable to make contact."

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<sup>1</sup> Mother has three older children, none of whom were involved in the current juvenile case. Mother is not a party to this appeal.

<sup>2</sup> Victoria P. is referred to in the Department's reports as either a great aunt or a great cousin.

<sup>3</sup> All statutory references are to the Welfare and Institutions Code, unless stated otherwise.

The Department started its investigation of the current case in September 2019, when minor was taken into protective custody after mother was arrested during a drug raid. Mother exhibited signs of drug intoxication, and admitted to a lengthy history of methamphetamine use, including using the day before her arrest. When mother was arrested, two grams of methamphetamine was found in her possession. When minor was detained, she was very hungry and dirty. Minor's front teeth were rotted, and mother had placed gang markings on minor's skin in permanent marker. The detention report included photographs of the markings on minor's arms, wrists, and lower back, as well as a summary of an interview with a detective who explained that all of the markings were gang-related.

Father was in prison on gang charges, with an anticipated release date in 2025. He had his own dependency history, based on paternal grandparents' gang involvement, including a gang-related murder by paternal grandfather, where Virginia was charged as an accessory.

Mother asked the social worker to assess Virginia and maternal grandfather for possible relative placement. Speaking to the social worker shortly after mother was arrested, Virginia expressed a willingness to care for minor and stated minor already had her own bedroom at Virginia's house and stayed primarily with her. Virginia had dropped minor off to mother at a street corner three days earlier. Virginia always made sure mother had a place to stay before returning minor to mother's care. According to Virginia, she provided mother with clean clothes for minor as well as money for food and a motel. Virginia said mother always appeared "normal" when she dropped minor off and denied ever seeing mother under the influence of drugs or alcohol. Regarding minor's rotten teeth, Virginia said she had tried to get mother to take minor to the dentist, but mother had missed the appointment. Virginia said when she tried to get mother to give her legal guardianship over minor, mother gave her a letter allowing her to care for the child, but it was not notarized. It was hard to help mother because she would "go on the run." Virginia had not called the Department because she feared mother not allowing her to see minor again. Although Virginia was more than willing to

care for minor, the social worker noted that a CLETS<sup>4</sup> search revealed a criminal history that would require a criminal waiver, and the CACI<sup>5</sup> results for Virginia were pending. The social worker explained to Virginia the Resource Family Approval (RFA) process and emailed an RFA application to her, but also noted that the Department had concerns about Virginia's ability to protect minor based on her failure to report or address mother's neglectful behavior despite having frequent interactions with the child. The Department was not able to reach maternal grandfather, because the number provided was disconnected.

The social worker also spoke to minor's maternal grandmother. Maternal grandmother had not seen or spoken to mother or minor for years. Mother stopped talking to maternal grandmother approximately eight years earlier, when mother had lost her home and custody of her older children and was having mental health and drug use issues. Maternal grandmother was willing to care for minor, but also explained that her current partner had a criminal record and would need a waiver.

The Department filed a dependency petition alleging minor was at risk of physical harm based on mother's drug use, domestic violence, and physical abuse of minor. The petition was later amended to add allegations pertaining to father's incarceration and mother's mental illness.

### *Detention Hearing and Placement Investigations (Fall 2019)*

On September 23, 2019, the court ordered the Department to investigate the possibility of placing minor with either maternal grandfather or maternal grandmother, who was present in court. Mother objected to

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<sup>4</sup> CLETS is an acronym for the California Law Enforcement Telecommunications System.

<sup>5</sup> CACI is an acronym for the Child Abuse Central Index, which is "an index of all reports of child abuse and severe neglect" maintained by the California Department of Justice under the Child Abuse and Neglect Reporting Act (Pen. Code § 11164, et seq.). (*Saraswati v. County of San Diego* (2011) 202 Cal.App.4th 917, 921.)

maternal grandmother as a placement option. The court also ordered the Department to assess the possibility of placing minor with mother in a mother-child inpatient drug program. Minor's counsel asked the court to direct the Department to obtain a criminal waiver for Virginia as well, but the court responded that it wanted the Department to focus on the most likely relatives first, and the Department had expressed concerns with respect to Virginia based not only on her criminal history, but her "extensive [Department] history, and apparently she was involved in the care of the child that didn't really do anything to address all of these urgent neglect issues until now."

On October 18, 2019, the Department reported it was not in minor's best interest to live with maternal grandmother. The court ordered the Department to assess other potential relatives.<sup>6</sup>

### *Jurisdiction and Disposition Report*

The social worker interviewed minor, mother, Virginia, and maternal grandmother. Minor—four years old at the time—explained that on some days she would stay with mother and other days Virginia would pick her up and she would stay with Virginia. Minor liked Virginia, explaining that with Virginia, minor would sleep in a bed, eat food, and have clean clothes. When minor would stay with mother, she would sometimes not eat, and would sleep in a car, at a hotel, or at friends' homes. Minor reported seeing drug use and domestic violence by and between mother and her friends, but minor also said she was not scared of her mother, missed her mother, and wanted to go back home. Mother denied exposing minor to drug use or domestic violence, explaining that she only used when minor was with Virginia, and that Virginia would pick minor up or drop minor off wherever mother was located. Mother explained she was using because she was homeless and no one was helping her. When asked about domestic violence, mother denied minor had seen anything, but that minor was in the car with Virginia when mother

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<sup>6</sup> The record does not include a reporter's transcript for this hearing, and the clerk's transcript lacks any information about the Department's investigation of maternal grandfather.

came out with a busted lip and a cut. She described the perpetrator as “just a guy I was seeing,” and said she had stayed with him for a few weeks because she needed a place for her and minor to stay.

Virginia described mother as a good mother who took good care of minor. Virginia was aware that mother had used drugs in the past. She had kicked father and mother out of her home before minor’s birth, but mother was sober during her pregnancy, and mother and minor lived with Virginia for two years before mother moved out. Between 2017 and 2019, minor would stay with Virginia two or three days out of the week, and Virginia would drop minor off and pick her up from different places, wherever mother was. Minor was clean and happy, and Virginia reported she did not suspect or see any evidence of mother’s drug use. Virginia’s only concern was that mother did not have a place to live. Virginia denied ever seeing mother with a busted lip.

Maternal grandmother reported that mother ran away when she was 15, and suffered from mental illness and drug addiction. Mother was hospitalized and taking psychotropic medications before she was released to her father, and ran away again. Mother had her first child at the age of 18, but returned to drug use about 9 months later. Maternal grandmother cared for mother’s oldest child until she was about four years old, and maternal grandmother regretted that she did not file for custody of the older child. Instead, mother returned and was doing well, so she regained custody of her oldest child and had two more children. She later started drinking again, lost custody of her three children, and as far as maternal grandmother knew, mother was “on the streets” from 2013 until 2019. Although she was aware mother had minor, maternal grandmother stayed away from Virginia out of fear, because Virginia was part of a Mexican gang. Maternal grandmother said mother needed help.

According to the probation department, there was a warrant out for mother’s arrest because she had failed to appear in court on charges for possession of methamphetamine.

The portion of the report discussing relative placement stated the following: “Mother and father expressed possible placement of [minor] under the care of Virginia but Virginia is not appropriate as it appears Virginia is

not being forthcoming with the [D]epartment as far as her involvement and knowledge of mother's drug use which is concerning to the [D]epartment. During DI's interview with mother and [Virginia] there were a lot of consistencies [sic] between their statements that [Virginia]'s protective capacity is concerning to the department that placing the child under the care of [Virginia] could place [minor] at risk of abuse or neglect. At this time mother has not provide [sic] additional relatives for possible placement of [minor.]”

### *Interim Hearings and Reports*

In November 2019, the court ordered the Department to assess any and all appropriate relatives for placement. It also directed the Department to assess Virginia for visits, and it gave the Department discretion to liberalize mother's visits.

In December 2019, the Department reported that relative Victoria had cancelled her RFA application but was in the process of getting an application approved through a foster family agency (FFA). Father made his first appearance through counsel on December 30, 2019. Father's counsel asked that the Department either place minor with Virginia, or assess her for placement. The court asked how Victoria was related, and minor's counsel identified her as maternal grandfather's first cousin.<sup>7</sup> After Virginia told the court she had no felony convictions, the court questioned why the Department had reported that her criminal history posed a barrier to placement. The Department pointed out Virginia also had a prior dependency. Noting the considerable ambiguity and confusion about possible relative placement, the court ordered a report under section 361.3 considering Virginia and Victoria, as well as paternal grandfather. A “relative information sheet” identifying both Virginia and paternal grandfather was filed with the court. The court also ordered the Department to assess whether visits with Virginia were appropriate.

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<sup>7</sup> A last minute information dated December 30, 2020, identified Victoria P. as a “paternal great cousin,” while the subsequent disposition report identified her as a maternal great cousin or a maternal great aunt.

In a report filed on January 23, 2020, the Department reported that Victoria's home was assessed on December 18, 2020, and because her home had only one bedroom, she had applied for a space waiver, which was still pending. She also resubmitted her RFA application on January 13, 2020. The Department had a home assessment for Virginia scheduled for January 29, 2020. Regarding visits with Virginia, the Department reported that Virginia had not yet live scanned, even though a live scan request had been submitted. The Department had been working on a visitation schedule for the caregiver and Virginia, and visits would be arranged once Virginia's live scan results had been received.

At the January 2020 hearing, mother entered a no contest plea to amended allegations, and the court sustained some counts against mother, dismissing others. Over the objection of father's counsel, the court continued adjudication of the single count against father. Father argued that he could make a plan for Virginia to care for minor, and that such a plan did not require an RFA or criminal background checks. The court pointed out that before it could determine whether the plan was appropriate, it needed the forthcoming information about any safety issues regarding Virginia's home or her past child welfare history.

Mother's counsel joined in father's request for minor to be placed with Virginia. Father's counsel asked for visits between minor and Virginia, and for Virginia to be able to transport minor to visit father at the prison. Minor's counsel also noted that she had repeatedly sought visits between minor and Virginia, and once the live scan was completed, there was no objection to Virginia transporting minor to visit father. The court pointed out that Virginia could live scan at the court. It also directed the Department to assess Virginia as a monitor for minor's visits with both parents.

### *Disposition Report*

The Department's February 21, 2020 disposition report stated that minor was placed with Victoria on February 14, 2020. Victoria was exploring transitional kindergarten programs for minor, and had identified dates and locations for minor to have separate visits with mother and Virginia. As of



the time of the report, mother had yet to confirm a visit date. Father remained in federal prison; minor did not ask about father, and when asked about father, she did not respond.

The report stated that when father was a child, a juvenile court sustained petition allegations that paternal grandfather (a member of the Westside Wilmington Gang) had been charged with murder due to gang homicide, and that Virginia drove the car and was an accessory to a felony. The petition also reflected a history of drug abuse by the paternal grandfather and domestic violence between paternal grandparents.

The social worker had conducted a home assessment for Virginia in early February, but was unable to assess the second bedroom because Virginia's boyfriend was sleeping in the room. Virginia stated that the boyfriend is always in the home and helps her financially with groceries and other expenses. Virginia told the social worker conducting the assessment that the boyfriend was RFA-approved, but a different social worker said that the boyfriend was not included in the RFA application, that he had extensive criminal convictions, and the social worker would have concerns if minor was placed with Virginia and the boyfriend had access to the child. The Department recommended no reunification services for father.

### *February 2020 Hearing*

On February 24, 2020, the juvenile court heard testimony and argument before sustaining an amended allegation against father and ordering minor to remain placed with Victoria. The court admitted two exhibits offered by father. Exhibit A was a summary of Virginia's RFA approval, stating that her criminal waiver had been approved, and that her boyfriend (Anthony R.) and another man named Frank G.<sup>8</sup> had no criminal history, based on searches of the relevant databases. Testifying for the Department as an adverse witness, father stated he, mother, and minor had lived with Virginia during the first two years of minor's life, after which he was either incarcerated or in a drug rehabilitation program. Father made an

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<sup>8</sup> It is not clear from the record whether Frank G. is Virginia's brother.

agreement with Virginia that she would take care of minor if anything happened to father. Even with knowledge of her past conviction (which occurred when he was a child), he wanted Virginia to file for custody of minor. Despite father's wishes, Virginia did not file for custody because mother was not in agreement and Virginia did not want to take mother to court. During cross-examination by his own attorney, father testified that minor is part of Virginia's life, knows all the family members, and celebrates family events with Virginia.

Father called Virginia as a witness, and she testified about her activities with minor, and her willingness and ability to continue caring for minor. She said her boyfriend does not live with her or provide financial support, although he would sometimes lend her money or buy groceries. During cross-examination by the Department, Virginia admitted she was convicted of aiding and abetting paternal grandfather, who was wanted for murder at the time. While she acknowledged knowing mother had drug problems in the past, Virginia denied any awareness of mother's recent drug use, despite caring for minor, who Virginia acknowledged was very talkative.

Drawing a distinction between jurisdiction and placement, the court first gave a tentative ruling that it was inclined to sustain an allegation that father had prior convictions and was unable to make a safe and appropriate plan for minor's ongoing care and supervision. The court heard argument and sustained the jurisdictional allegation against father.

Turning to placement, the court took note that minor was currently placed with Victoria. Anticipating that father would argue for placing minor with Virginia instead, the court sought input from minor's counsel, who stated minor should remain in her current placement. Minor's counsel asked the court to make a detriment finding under section 361.2, subdivision (a), citing as the basis for the request the fact that Virginia's protective capacity was questionable because she denied being aware of mother's drug use, despite the conditions in which minor was first detained; Virginia's history of gang involvement; the fact that minor had gang tattoos drawn on her in permanent marker when she was detained; and that minor was already placed with Victoria, who was a relative. Father's counsel argued that Virginia's testimony showed that she had no knowledge of mother's drug use,

and was unable to pursue custody of minor, but that father should be permitted to move forward with his plan to have Virginia care for minor. Mother's counsel joined in father's request for minor to be placed with Virginia, emphasizing the bond between the two. The court found that placement consistent with father's plan would be detrimental, based on the stark contrast between maternal grandmother's concerns about mother's drug use and mental health, and Virginia's statements that she had no concerns about leaving minor in mother's care, even though minor reported to the social worker that she witnessed domestic violence and drug use. The court ordered minor removed from parental custody, noting she was suitably placed with another relative. The court also denied reunification services for father.

Father filed a notice of appeal on March 5, 2020.

## **DISCUSSION**

Father argues that the dependency court erred when it placed minor with Victoria, rather than Virginia.<sup>9</sup> Father makes three contentions of error on appeal. First, he argues that the decision to deny placement with Virginia was not supported by substantial evidence because it was not based on an evaluation of the eight factors outlined in section 361.3, subdivision (a). Second, he contends the court improperly confused the "failure to protect" provisions of section 300, subdivision (b)(1) with one of the relative placement factors concerning a relative's ability to protect the minor from the child's parent. Last, he contends there was no substantial evidence to support the court's preference for Victoria. None of father's contentions persuade us that the juvenile court abused its discretion when it declined to place minor with Virginia.

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<sup>9</sup> Nowhere in his appeal does father contend that the court's finding of detriment and its decision to deny his request for custody under section 361.2 was based on insufficient evidence, even though part of father's argument to the trial court was that if the court allowed minor to remain in his custody, he could make arrangements for her care and supervision with paternal grandmother.

## *Standing and Waiver*

“Generally, an aggrieved party may appeal a judgment in a juvenile dependency matter. [Citation.] To be aggrieved, a party must have a legally cognizable interest that is injuriously affected by the court’s decision. [Citations.] We liberally construe the issue of standing and resolve doubts in favor of the right to appeal. [Citation.]” (*In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1053.) “[A] parent generally does not have standing to raise placement issues on appeal where the parent’s reunification services have been terminated. This is because decisions concerning placement of the child do not affect the parent’s interest in reunification when the parent is no longer able to reunify with the child.” (*In re J.Y.* (2018) 30 Cal.App.5th 712, 717.)

Presumably anticipating a challenge to his standing on appeal, father contends that so long as reunification remains the goal for minor, he has standing based on his parental interest, regardless of the fact that the juvenile court denied reunification services for him. (*In re H.G.* (2006) 146 Cal.App.4th 1, 9 [parents who were no longer receiving reunification services, but whose parental rights had not been terminated, had standing to appeal section 387 placement decision].) The Department does not contest father’s standing. Taking a liberal view of father’s standing in light of the particular facts of this case, we conclude that when a child is still in the process of reunifying with at least one parent, either parent has standing to appeal the court’s placement decision. (See *In re A.K.* (2017) 12 Cal.App.5th 492, 499, [“where the parent’s reunification services have not been terminated, placement of the child with a relative arguably affects the parent’s chances of reunifying with the child”]; but see *Cesar V. v. Superior Court* (2001) 91 Cal.App.4th 1023, 1035 (*Cesar V.*) [father lacks standing to appeal the relative placement preference issue, but paternal grandmother has standing].)

Father contends there was no substantial evidence to support the court’s preference for Victoria over Virginia, because there was minimal evidence about the placement with Victoria, and so the court failed to adequately evaluate Victoria as required under section 361.3, subdivision (b).

Other than the statute, father offers no legal authority to support his argument that when a minor is placed with one relative instead of another, the court must conduct a comparison between the two relatives using the factors cited in section 361.3. More importantly, father concedes in his reply brief that he did not raise this argument to the juvenile court, thereby waiving the issue on appeal. Despite that waiver, he asks this court to exercise its discretion to reach the merits of his argument. We decline to do so. (*In re S.B.* (2004) 32 Cal.4th 1287, 1293.)

### *Relevant Law*

We review the juvenile court's determination regarding a child's placement under section 361.3 for abuse of discretion. (*In re Robert L.* (1993) 21 Cal.App.4th 1057, 1067.) When the juvenile court removes a child from parental custody, section 361.3, subdivision (a) requires that relatives of the child who have requested placement be given preferential consideration. (§ 361.3, subd. (a).) "Preferential consideration' means that the relative seeking placement shall be the first placement to be considered and investigated." (§ 361.3, subd. (c)(1).) "The relative placement preference, however, is not a relative placement guarantee." (*In re Joseph T.* (2008) 163 Cal.App.4th 787, 798.) The preference accorded by section 361.3 is not "an evidentiary presumption that placement with a relative is in the child's best interest"; rather, the statute requires the juvenile court to determine whether such a placement is appropriate, applying the factors set forth in subdivision (a) of the statute. (*In re R.T.* (2015) 232 Cal.App.4th 1284, 1295 (*R.T.*)). "First and foremost" among those factors is "[t]he best interest of the child, including special physical, psychological, educational, medical, or emotional needs.' [Citations.]" (*In re Maria Q.* (2018) 28 Cal.App.5th 577, 592.)

Section 361.3, subdivision (a), contains a nonexclusive list of factors for the juvenile court and county social worker to consider "[i]n determining whether placement with a relative is appropriate," including "[t]he best interest of the child, including special physical, psychological, educational, medical, or emotional needs" (*id.*, subd. (a)(1)), "[t]he good moral character of

the relative and any other adult living in the home” including any past history of violent criminal acts or child abuse or neglect (*id.*, subd. (a)(5)); “[t]he nature and duration of the relationship between the child and the relative” (*id.*, subd. (a)(6)), “[t]he safety of the relative’s home,” (*id.*, subd. (a)(8)(A)), and the relative’s ability to “[p]rovide a safe, secure, and stable environment for the child,” “[e]xercise proper and effective care and control of the child,” “[p]rovide a home and the necessities of life for the child,” and “[p]rotect the child from his or her parents” (*id.*, subd. (a)(7)(A)–(D)).

“When considering whether to place the child with a relative, the juvenile court must apply the placement factors, and any other relevant factors, and exercise its independent judgment concerning the relative’s request for placement. (*In re Isabella G.* (2016) 246 Cal.App.4th 708, 719, citing *Cesar V.*, *supra*, 91 Cal.App.4th at p. 1033.)

### *Analysis*

The record evidence supports the court’s decision to deny father’s request to place minor with Virginia under section 361.3. Father did not make his request for minor to be placed with Virginia until December 2019, after the Department had already filed its jurisdiction and disposition report. Victoria was already in the process of getting approved by a foster family agency, while Virginia had not yet even live scanned.

The court’s decision to deny placement with Virginia is supported by substantial evidence. From the time minor was initially detained, Virginia consistently denied knowing about mother’s drug use, despite months and years of ongoing interactions with minor and mother. Based on the evidentiary record, Virginia’s lack of knowledge was based on either willful or reckless blindness to mother’s circumstances. For at least a year, Virginia had minor in her care for several days each week, dropping minor off and picking her up whenever mother asked. When minor was detained, she had on her arms gang tattoos that mother had drawn with permanent marker. Minor—who was only four years old at the time she was interviewed—explained the contrast between her living circumstances when she stayed with Virginia and when she stayed with mother, explaining that when she

stayed with mother, she would not always have enough to eat, she would stay in a car or with friends, she saw mother smoking cigarettes and “a piece,” and she saw mother being beaten. It defies common sense that minor would be living under the circumstances described, and Virginia would not be concerned for minor’s safety.

In addition, questions about Virginia’s criminal history remained pending up until the February 24, 2020 disposition hearing. While the social worker emailed an RFA application to Virginia on September 20, 2019, she had not even submitted to a live scan by the January 23, 2020 adjudication hearing, at which the court suggested she could live scan at the courthouse. The record includes contradictory information about whether Virginia’s boyfriend lives in her home, and whether or not he has a criminal history. Although the court stated it was not concerned with Virginia’s criminal history, the evidence in the Department’s disposition report still constitutes substantial evidence to support the decision against placing minor with Virginia, particularly if she had already been placed with another relative.

While the judge’s oral statements at the disposition hearing focused primarily on the absence of evidence to support a finding that Virginia would act in a protective capacity, there is nothing in the court’s comments that supports father’s argument that the court was applying the “failure to protect” provisions of section 300, subdivision (b)(1), rather than explaining its application of the various factors listed in section 361.3, subdivision (a). The court’s statements reflected a more generalized determination about Virginia’s moral character and her ability to provide a safe, stable and secure environment for minor, including protecting her from her parents. (§ 361.3, subds. (a)(5) & (a)(7)(A) & (D).)

The court also did not exclude or refuse to consider any evidence relevant to the section 361.3, subdivision (a), factors. This stands in contrast to *In re N.V.* (2010) 189 Cal.App.4th 25, 29, where the appellate court found error based on the juvenile court’s exclusion of information relevant to a placement decision under section 361.3. Here, the court ordered the Department to evaluate Virginia as a placement option, admitted the Department’s reports and father’s documentary evidence concerning Virginia’s criminal history, and heard testimony from father and Virginia. It

made the decision to continue minor's relative placement with Victoria, rather than Virginia, with the benefit of all the evidence and argument from all parties, including minor's counsel, who advocated in favor of continuing minor's current placement. The fact that the juvenile court did not expressly discuss each of the factors listed in section 361.3, subdivision (a), does not change our reasoning. The court was fully aware of its obligations under section 361.3, having deferred a placement decision earlier in the case and directed the Department to prepare a report under section 361.3.

On the record before us, we find the court did not abuse its discretion when it denied father's request for minor's placement with Virginia under section 361.3.

### **DISPOSITION**

The juvenile court's disposition orders are affirmed.

MOOR, J.

We concur:

BAKER, Acting P. J.

KIM, J.